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Speier seeks info on EPA Cargill decision

Rumored move would remove hurdle to development of Redwood City site

- By Zachary Clark Daily Journal staff
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Whether the Cargill salt ponds in Redwood City are subject to the Clean Water Act has the possibility of bringing a large-scale but moribund development project back to life, but little is known if the Environmental Protection Agency is seeking to change its status.

Still, U.S. Rep. Jackie Speier, D-San Mateo, has requested more information on the EPA's plans and is requesting a meeting prior to any final decision about the site, located in her congressional district.

"In addition to Redwood City, the changes around the [salt] ponds have potential impacts on other communities and an adjacent seaport. Any final plans for the ponds may also have precedential impact upon developments throughout the Bay region," according to the letter sent last month to Andrew Wheeler, the EPA's acting director. "Many plans have been proposed over the years and it is important to my constituents and to the health of the San Francisco Bay estuary that the nation's laws regarding endangered species protection and restoration be upheld in any final proposals that are adopted for the property."

The 1,400-acre Bayside property once used to harvest commercial salt has had different development proposal iterations over the years. The most recent proposal by DMB Ventures would have created about 12,000 homes amid some wetlands restoration but was dropped in 2012 after years of controversy. While any development proposal would be subject to approval by the Redwood City Council, this site is also subject to other approvals by the Bay Conservation and Development Commission and federal agencies. Which federal agency is

the lead was the subject of some dispute until 2015 when the EPA took that on over the U.S. Army Corps of Engineers — a move in which the developer expressed disappointment.

Cargill/DMB had requested that the EPA and the U.S. Army Corps of Engineers make a jurisdictional determination over whether the site was subject to federal laws including the Clean Water and Rivers and Harbors acts. If the EPA declared it exempt from the acts, it would eliminate a significant hurdle to development.

That possibility has shaken Save the Bay, which has fought development at the site for years.

“President Trump’s Acting EPA Administrator, Andrew Wheeler, is preparing to declare that Redwood City salt ponds are not “Waters of the U.S.” protected by the Clean Water Act or Rivers and Harbors Act,” David Lewis, Save the Bay’s executive director, wrote in a statement on the nonprofit’s website. “This action surrenders federal government jurisdiction to regulate or permit development on that site, overturns decades of legal precedent and overrules previous protections supported by Bay Area EPA officials.

“We’d like Cargill to withdraw their request and for the EPA to not approve it,” he added.

The EPA declined to comment on whether a decision on the Redwood City salt ponds is impending. And David Smith, an attorney representing DMB, said he was unaware of any upcoming EPA rulings on the site.

“This lingering federal question has stifled conversation [about the future of the site] and we’ve been asking for an answer from the federal government for 12 years,” he said. “The filing has remained with the Corps and EPA for 12 years and we haven’t filed anything new.”

Even if the EPA does declare the site exempt from Clean Water Act protections, Lewis conceded that development on the salt ponds would be unlikely and face numerous obstacles.

“Even if they get this they face many barriers — state laws, Redwood City’s current zoning and land use designation that prohibits development there and would require significant changes in state laws and policies,” he said. “When this development proposal was pending, we got hundreds of neighboring city officials and state elected officials on the record saying they’re opposed to development on the salt ponds. There’s regional opposition in addition to Redwood City opposition.”

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